

THE CRIME OF THE CENTURY

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With rampant lawlessness and class warfare raging out of control, much of northern Idaho was in danger of total chaos. Robber baron mine owners and violent labor unions put Idaho at center stage of America's media giants for a trial that would unfold to be one of the most fascinating criminal trials of all time. The trial would reveal a story of intense greed, one of the West's first mass murderers, warlike union leaders; feature a future defector to Lenin's Bolshevik Russia, a newly elected U.S. Senator, a future Idaho Governor, America's most famous detective; and mark unprecedented peacetime violence. The trial was so important that the White House, Idaho mine owners and union bosses from across the country all sought to manipulate the outcome in one way or another. America watched frontier capital Boise with fascination as a trial was to unfold that represented a "struggle for the soul of America."¹ The ten-week jury trial for *The Crime of the Century* would not begin until May of 1907, but the wheels of justice were already rolling 100 years ago this month.

Two teams of legendary lawyers were preparing for the murder trial of William D. "Big Bill" Haywood, the secretary-treasurer of the powerful Western Federation of Miners (WFM), as an alleged co-conspirator in the assassination of former Idaho governor Frank Steunenberg on December 30, 1905. Lawyers of legendary status and historical significance were created as a result of Steunenberg's assassination. Names like Borah, Hawley and Darrow were among the lawyers involved in the prosecution and defense of "Big Bill" Haywood. The legacies of these lawyers endure even to this day.

The *Trial of the Century* itself was of great interest to the entire country, but the events leading up to the trial were also full of intrigue, the stuff of which legends are made and which talented authors struggle to recreate. This was truly no "ordinary run-of-the-mill slaying nor even a particularly bizarre or atrocious crime of passion that attracted such worldwide attention to this trial. Instead, it was a cold and deliberate killing that had deep and complex social and economic roots. It was... a crime of considerable consequence to society."²

The events leading up to *The Crime of the Century* began decades earlier in the mining districts of northern Idaho. By the 1880s the days of the individual

prospector had passed and large national and international corporations were dominating mining operations throughout the west. As was the case all over America, big business spawned labor movement and Idaho was no exception. Thousands of wage earning miners were hired to work in the hard rock mines of northern Idaho. When the owners reduced the miners' daily wage from \$3.50 to \$3.00 per day, labor organizations were forced to consolidate into larger, more effective unions.

In 1890-91 technological advances added to the workingman's woes. Among the new technology introduced into hard rock mining in northern Idaho were compressed air drills, which allowed one miner to do work that previously required several men. Unemployment skyrocketed, tensions gathered and the underlying class conflicts began to percolate.

The situation intensified. On January 1, 1892, mine owners closed the Coeur d'Alene area mines because of high freight rates. On April 1, 1892 the mines were re-opened, but the miners went on strike because of low wages. All of this led to the *Coeur d'Alene Troubles of 1892*. Scab labor was brought in. Pro-union railroaders turned the switches to the wrong tracks and the strikebreakers woke up the next morning to find themselves as far away as Pendleton, Oregon.

The mine owners obtained court injunctions, and the situation became as volatile and explosive as the dynamite used in the mines. Mining operations and mills in northern Idaho were damaged or destroyed when dynamite was sent sliding down the flumes. Gunfights broke out in mining camps. Riots, lawless-



Chance Mine in 1905. Photograph by H. English Wallace.



William Edgar Borah, Idaho senator and Hiram Warren Johnson California senator.

ness, shootings, vandalism, robberies and murders were common in the northern mining towns. At the request of Idaho governor Norman B. Willey, President Benjamin Harrison ordered federal troops located at Fort Sherman on Lake Coeur d'Alene to assist. Martial law was declared in parts of northern Idaho and every union miner that could be found was arrested.

In 1899, a Northern Pacific Railroad train was forcibly commandeered by miners at Burke, Idaho. After stops at Gem and Wallace, more than a thousand miners, including Harry Orchard, were on the hijacked train. When they arrived in Wardner, Idaho, 3,000 pounds of dynamite were strategically placed throughout the Bunker Hill plant by demolition expert miners. Three massive explosions were heard twenty miles away when one of the world's largest ore concentrators was destroyed at a cost to Bunker Hill of \$250,000 (a vast amount of money at the time).

Governor Frank Steunenberg declared martial law in Shoshone County and President McKinley sent federal troops from Fort Boise and Army posts in Montana, Utah, Wyoming and Washington State. Hundreds of union miners were arrested and held in railroad boxcars, barns, sheds and outdoor stockades, essentially primitive concentration camps.

Governor Steunenberg's role in quelling the riots in the Coeur d'Alenes essentially destroyed the powerful Western Federation of Miners. Someone, Harry Orchard, "Big Bill Haywood," or others in the union, never forgave or forgot what Steunenberg had done to the union and the miners in 1899.

Six years later, the former governor had no reason to believe a professional murderer, a hit man, was shadowing him. Harry Orchard had been in Caldwell for several months posing as a sheep buyer and using the alias of Tom Hogan. The bomb Orchard used on December 30, 1905 to kill the former governor was a simple device, deadly and easily assembled by a ruthless man highly skilled in the use of powerful explosives.

On the night of the murder, Steunenberg was returning from a walk in freshly fallen snow. When Steunenberg opened the gate to his Caldwell residence a string of fish line pulled the lid off of a small vial and sulphuric acid poured onto blasting caps. The explosion was so powerful, it literally "shook the earth and could be heard for miles around,"³ and sent Steunenberg ten feet into the air ripping the former governor's body apart.

In the hours and days following the assassination, "Hogan" was observed as being much too calm and collected in a town highly aroused by the violent death of a beloved former governor. He immediately became a suspect. In an impressive bit of forensics for the time, his hotel room was searched, and the investigating authorities found traces of dynamite and fishing line matching evidence from the murder scene. Also found in "Hogan's" hotel room were brass knuckles, a revolver and tools to set blasting caps. He was quickly identified by a Colorado sheriff as Harry Orchard, a man involved in the violent Colorado mining wars of 1903-04. Although initially Orchard remained silent about his motivation for killing Steunenberg, few believed he acted alone and speculation began immediately that the assassination was the payback of the powerful WFM.

Idaho authorities contacted the famous Pinkerton Detective Agency for help in conducting this high-profile murder investigation. The Pinkertons sent America's most famous detective, James McParland, to lead the investigation. McParland had made his reputation working undercover in Pennsylvania's anthracite coal mining region where he exposed and helped convict a secret gang of Irish thugs, the Molly Maguires. McParland's fame and notoriety were so great that the famous author Sir Arthur Conan Doyle invented a meeting of the legendary fictional Sherlock Holmes and McParland in *The Valley of Fear*, an unprecedented honor for a real detective.³

After days of "interrogation," Orchard, a known liar, thief, and cheat, began to crack. The information started as a trickle, but would soon turn into a flood as Orchard's house of cards defense eventually completely caved. After crying various times, Orchard began to inundate McParland with spectacular amounts of information. Orchard not only confessed to Steunenberg's murder, he also confessed to seventeen other killings and assassinations ordered by the inner circle of WFM. What started as an interrogation of a tight-lipped, cold assassin, turned into one of the most amazing confessions in the annals of American justice.³

Orchard implicated Haywood and other officers of the inner circle of the Western Federation of Miners as co-conspirators in a 64-page confession. Harry Orchard was sentenced to death for his involvement in the murder of Frank Steunenberg, but his sentence was later reduced to life in prison because of his cooperation in the future trial of Haywood. Orchard, the once brutal assassin for WFM who blew up trains, mills, and mines to intimidate mine operators, workers, and government agencies causing

a reign of terror, spent the rest of his life in the Idaho state penitentiary near Boise, raising chickens and growing strawberries as a prison trustee until his death in 1954.

With Orchard's confession in hand, Detective McParland put this damning evidence to work and the wheels of justice rolled into full speed. Six weeks later, in February of 1906, Haywood and three other alleged co-conspirators were spotted in Denver, Colorado, where the union's leadership had its headquarters. After obtaining extradition papers in Boise, the authorities and Pinkerton detectives boarded a special train to Colorado. At that point it became cloak and dagger, 1906-style, and secrecy was essential because of the war-like atmosphere surrounding the labor unions. The ne'er do well Haywood was found sleeping with his sister-in-law and was arrested. After the successful arrest of two other union men, the race to Idaho began. Rather than attempt an uncertain extradition process, Idaho and Colorado officials developed a scheme to seize the union officers and smuggle them to Boise.

The alleged co-conspirators were forced onto the special train as it sped at 30 miles per hour through Colorado and Wyoming towns to Idaho, too swiftly for legal challenges or encounters with union saboteurs. At the direction of the Pinkerton detectives, the train did not stop in any towns and took on water, fuel and changed crews only in pre-designated, isolated areas. A moment of anxiousness for the authorities and the Pinkerton detectives occurred in Pocatello, a strong union town, when a wheel oil box caught fire in the middle of the night. The hot box was repaired without incident and the special train continued on to Boise where the three prisoners were finally placed in the custody of the Idaho authorities.

Defense counsel, E. F. Richardson of Denver, immediately filed a *habeas corpus* petition with the Idaho Supreme Court. An appeal was taken to the federal courts in Boise by Richardson, and the case was further appealed by the defense team to the United States Supreme Court which also denied habeas relief to Haywood and the others.

Powerhouse trial teams were assembled. For the prosecution, the team leader was James H. Hawley, the widely respected dean of Idaho lawyers and future governor of Idaho. His co-counsel was flamboyant Boise attorney and orator, William E. Borah, newly elected to the United States Senate and who would become known as the "Lion of Idaho." For the defense, lead counsel were E. F. Richardson of Denver and Clarence Darrow, a relatively unknown Chicago labor lawyer who was about to earn a national reputation for his legal skills. Titans all, the battle lines were drawn and the trial venue was moved from Caldwell to Boise.

Even President Teddy Roosevelt got into the fray. During this uneasy time in our country's history, Roosevelt frequently issued thunderous criticism against radicalism. This murder was an excellent example of the damage radicalism created and was the target of various verbal tirades by the President. Roosevelt referred to "Big Bill" Haywood as an "undesirable citizen." With an outspoken President sending verbal volleys at the union leader, the Socialist press decided it was their turn and responded with sharp condemnation of Roosevelt. The explosive nature of the case was quickly traveled across the country.

The eyes of the world were on Boise as the trial date for *The Crime of the Century* approached. For ten weeks in the spring of 1907 Boise would become the news capital of the world with more than fifty correspondents from wire services, national newspapers and yellow journalism publications. Soon, 50,000 words a day would be sent from the Boise telegraph office to newspapers around the world.

On May 9, 1907, *The Trial of the Century* would begin with the selection of the jury. After weeks of intense courtroom drama and much to the surprise of the country and his lawyers, Haywood was found "Not Guilty" by the all male jury.⁴ It is not truly known if the "Not Guilty" verdict was the result of the defense team's skill or whether the jury feared retribution by Haywood's thugs. Whichever the case may be, the trial of Haywood and the later trial of fellow union leader Pettibone, helped bring an end to nearly fifteen years of labor war in the western mines. This was a period, which illustrated the potential for open class warfare more clearly than any other in American history. Anthony Lukas wrote in *Big Trouble*:

Finally, the opposing camps in this nasty class war sputtering along the icy ridges of the Rocky Mountains had just about canceled each other out. Operative for operative, hired gun for hired gun, bought juror for bought juror, perjured witness for perjured witness, conniving lawyer for conniving lawyer, partisan reporter for partisan reporter, these cockeyed armies had fought each other to an exhausted standoff.

The lawyers who participated in the "Big Bill" Haywood trial 100 years ago all left their mark on the American legal system. The Hawley name is still synonymous with legal excellence



Clarence Darrow in 1922. Photo by Herzog.



Bill Haywood, Charles Moyer, George Pettibone are outside Boise, Idaho Sheriff's office awaiting trial for murder of ex-governor Frank Steunenberg in 1907. Photo by Myers.

throughout Idaho, Borah had mountains and schools named after him, and he was a giant in the U.S. Senate. Although not nearly as dramatic or high profile as the Haywood trial, many Idaho lawyers continue to represent businesses large and small, families and individuals with the same high degree and excellence as these two great Idaho legal icons. IQ Idaho is proud to recognize Idaho's legal professionals.

ENDNOTES

¹ *Big Trouble: A Murder in a Small Western Town Sets Off a Struggle for the Soul of America*. By J. Anthony Lukas. Simon & Schuster.

² *Debaters and Dynamiters*, By David H. Grover, 1964.

³ *Big Trouble: A Murder in a Small Western Town Sets Off a Struggle for the Soul of America*.

⁴ In 1918, Haywood was convicted under an espionage and sedition act and sentenced to thirty years in prison. In 1921, Haywood jumped bond and fled to Russia, where he was to become a confidant of the Bolsheviks. Haywood died in Moscow in 1928 where half of his ashes were buried in the Kremlin and the other half were shipped to Chicago for burial near a monument to the Haymarket rioters whose actions in 1886 inspired Haywood's life of radicalism.

ABOUT THE AUTHOR

Jeffery R. Boyle is the publisher of *IQ Idaho*, Idaho's premier business magazine. Jeff has written articles ranging from the merits of Idaho as a place to live through network marketing as a business. He received his Juris Doctor from the University of Idaho College of Law and uses this education combined with his business experience to grow *IQ Idaho*.

ILHS ORAL HISTORY PROJECT

One of the most important components of the Idaho Legal History Society is the Oral History Project.

From territorial days until current times, Idaho's justice system has been peopled with extraordinary and colorful figures who exhibit great intellect, erudition and legendary exploits. Their stories—and the knowledge that they have about the great moments and occasional foibles of our lawyers, judges, clerks and others—deserve to be gathered and saved for the future.

The process of taking an oral history is not only interesting, but also educational. It offers an opportunity for lawyers to learn from other lawyers and judges who have made a career and a life in the law.

The Society has purchased high-quality video and audio equipment. The Idaho Historian has trained twenty-three interviewers, and there are opportunities for further training for lawyers and judges interested in participating in this worthwhile project.

With the support of their national organization, the Idaho Court Reporters have graciously agreed to transcribe oral history interviews to gain continuing education credit. Boise State University students and graduates of the legal secretary program, and, in the future, other university legal secretary students and graduates, have also agreed to transcribe oral history interviews.

The Society has a subcommittee dedicated to this project, whose job is to set up and organize a process that will appear "seamless" to volunteers who need advice and support as they design and implement their interviews. The subcommittee has also identified over 50 Idaho lawyers and judges --, those "narrators" whose stories we feel compelled to capture for the education and enjoyment of future generations.

If you are interested in participating in the Oral History Project, as an interviewer, narrator (story teller), or transcriber, please contact any of the following subcommittee members:



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